

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO.12116 OF 2016

Pankaj s/o Shrivallabh Sikchi & ors. ...PETITIONERS

VERSUS

The State of Maharashtra & anr. ...RESPONDENTS

.....
Shri K.M. Gadve Patil, Advocate for petitioner
Shri S.M. Ganachari, A.G.P. for State
Shri J.R. Shah, Advocate for respondent No.2
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**CORAM: S.V. GANGAPURWALA AND
A.M. DHAVAL, JJ.**

DATED : 17th January, 2019

ORAL ORDER :

1. The petitioners claim compensation as per the formula and method of valuation adopted by the Joint Registrar in the office of Collector of Stamps, Aurangabad. It is their contention that the petitioners in Writ Petition No.6171/2012 and the present petitioners are similarly situated, the methodology of calculating the compensation to those petitioners and the present petitioners should be same. According to the learned counsel, when the methodology

adopted while computing the compensation amount was adopted as per the valuation done by the Assistant Registrar, Class I for other similarly situated persons, the petitioners could not have been discriminated and paid as per the Corporation's valuation.

2. Mr. J.R. Shah, the learned counsel for respondent No.2 submits that, as far as the petitioners in Writ Petition No.6171/2012 are concerned, the Corporation offered them the compensation as per the valuation of the Assistant Registrar, Class I, however, the same was not accepted by them and the petition was disposed of. The Corporation has already paid the compensation to the petitioners as per the ready reckoner price. The learned counsel submits that, the Corporation has already approached the Assistant Registrar, Class I under letter dated 9.1.2009 seeking valuation as per the Assistant Registrar, Class I.

3. During the same period, the properties of the present petitioners and the petitioners in Writ Petition No.6171/2012 were acquired by the Municipal Corporation. The methodology for calculating the compensation ought to be the same to all persons. When the Corporation offered the compensation as per the methodology adopted by the Assistant Registrar, Class I formula

2012 to others, the same methodology ought to have been adopted while paying the compensation to petitioners.

4. The Corporation has already approached the Assistant Registrar vide letter dated 9.1.2009, seeking the valuation as per the methodology of the Assistant Registrar of the year 2012. The respondent Corporation shall pay compensation to the petitioners as per the methodology of compensation of the Assistant Registrar, Class I. Upon receipt of the report, if the additional compensation is required to be paid, the same be paid within a period of four months from the date of receipt of the report.

5. With these directions, writ petition is disposed of.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

fmp/